

Notice of Allowability

Application No.

09/549,620

Examiner

Joseph P. Hirl

Applicant(s)

MATHUR ET AL.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to November 19, 2004.
2. ☒ The allowed claim(s) is/are 1,3-7,9-18 and 20-40.
3. ☒ The drawings filed on 14 April 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Reasons for Allowance

1. Claims 1, 3-7, 9-18 and 20-40 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fails to teach the claims invention of where for a production batch process, an advanced recipe is produced tailored to current and specific production needs (Desired State) and wherein such advanced recipe is developed from a given production recipe for producing a batch product that includes a sequence of actions that combine the ingredients of the given batch product and where such sequence of actions are annotated with the reasons "why". Specifically, RECIPE + DESIRED STATE = ADVANCED RECIPE. With the relevant inputs concerning current recipe, desired state and environmental knowledge, processing modules consisting of knowledge builder, structured knowledge repository and decision maker produce the advanced recipe.

The closest prior art (Kohn et al, U.S. Patent 5,963,447) teaches multiple-agent hybrid control architecture for intelligent real-time control of distributed nonlinear processes that produces a software and hardware engineering tool in the form of an architecture and methodology for building and synchronizing operation of nonlinear, large-scale real-time systems that maybe distributed in time and space by implementing on-line integration of heterogeneous components, including both logical and evolution components and legacy or new components. Kohn does not teach an advance recipe annotated with the reasons "why" directly related to a production batch process that includes a sequence of actions for combining ingredients of the batch product. The

claimed invention improves the visibility to the adjustment factors necessary to change the current recipe to that of the advance recipe and provides an audit trail for future analysis.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence Information

3. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (571) 272-3685. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anthony Knight can be reached at (571) 272-3687.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,
Washington, D. C. 20231;

or faxed to:

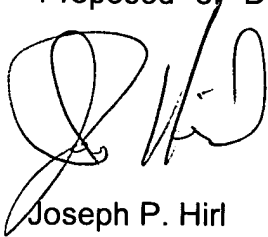
(703) 872-9306 (for formal communications intended for entry);

or faxed to:

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(571) 273-3685 (for informal or draft communications with notation of

"Proposed" or "Draft" for the desk of the Examiner).

A handwritten signature in black ink, appearing to read "J. P. Hirl", written over the printed name.

Joseph P. Hirl

February 7, 2005